



OFFICE OF THE DISTRICT ATTORNEY

P.O. Box 1748, Austin, TX 78767

Telephone 512/854-9400

Telefax 512/854-4206

JOSÉ P. GARZA
DISTRICT ATTORNEY

TRUDY STRASSBURGER
FIRST ASSISTANT

April 13, 2021

To the Travis County Community:

In our first one hundred days, we have made significant progress reshaping our criminal justice system in line with your aspirations. We have begun to make changes that prioritize violent crimes and that treat substance use disorder like the public health crisis that it is. Although we still have much work ahead of us, I am confident that together, we will continue to make changes that make our community more safe and restore faith in our criminal justice system.

As you know, on March 1st we implemented a bail policy that asked our prosecutors to ensure that no one is our jail simply because they cannot afford to get out. Our policy prioritizes the safety of our community and our prosecutors have been working hard to re-evaluate open cases according to that community safety framework instead of a wealth-based system.

We have worked to ensure that survivors of sexual assault and victims of other crimes are heard and treated with dignity and respect. Our team is working to revamp many of our current victim-witness counselor policies along with our intake procedure to ensure that victims are part of the conversation about their case from the beginning.

We have also greatly expanded diversion eligibility, because making sure that all people have the resources they need, like treatment and counseling, makes us all more safe. As of our first 100 days, we have reviewed more than 1,200 cases and accepted over half of those cases into diversion.

No one should be in jail simply because they can't afford to get out. Anyone who has not yet been convicted of a crime should be in jail only if they pose a threat to the safety of our community. Ensuring our jail is reserved for people who threaten public safety is a shared goal of the District Attorney's Office and County Attorney Delia Garza. Before the pandemic, the jail population was around 2,200 people. On January 1st, when County Attorney Garza and I took office, the jail population was about 1,800 people and now the population is hovering below 1,500 people.

We have continued to prioritize our resources towards prosecuting violent crimes. Since January, we have secured over 300 indictments for crimes of violence including murder, kidnapping, sexual assault, aggravated assault, and violent crimes against children.

Police accountability is critical to the safety of our community because when members of our community trust the police and prosecutors, they are more likely to believe in the fairness of our justice system, seek help, report crimes, and participate in investigations. We will continue to fulfill our promise to you to take all officer involved excessive force cases to the grand jury so that the community can determine whether their actions

constitute criminal conduct. We do not expect every case that we present to result in an indictment, however we do believe it is important that it is the grand jury who decides. A Travis County grand jury has issued indictments against five current and former law enforcement officers for causing injury or death to another while on the job since we took office.

I am proud of our first 100 days, but our work has just begun. As part of our promise to you to reimagine the criminal justice system in Travis County, today we are announcing new initiatives:

Homicide and Major Crimes Unit: In order to prioritize the prosecution of violent crimes, we will be creating a homicide and major crimes unit. This division will be staffed by experienced prosecutors who are experts in the law, well-versed in forensics, have previously handled complicated cases, and can be in regular contact with homicide and major crime detectives. We expect the division to be up and running by July 1, 2021.

Sentencing. When a person commits a crime, our focus is ensuring that it does not happen again and that the victim is safe. To achieve this goal, it is important to address the underlying issue that made the person commit the crime, so it doesn't happen again.

We have distributed sentencing principles and recommendations for our prosecutors to use as a guide when they consider offers and plea bargains. We have asked our prosecutors to incorporate the following principles into their sentencing recommendations:

- **We will treat all victims with dignity and respect, and we will take their needs into account when considering the appropriate sentence.** We will take into consideration what is likely to cause the least amount of harm or trauma to the victim. We will also consider the trauma that victims have endured and we will consider and discuss with victims steps that can be taken to ensure they feel safe, or could be made whole again, in or out of the criminal justice system.
- **Addiction and mental illness, and the offenses that follow from them, should not serve as a justification for imprisonment unless a person poses a danger to our community.** This is true when a person first commits a crime, and while a person is on probation.
- **Diversion should be offered whenever possible.** To prevent crime, we must work to address the underlying causes of crime. If diversion is not appropriate, then community supervision will be offered for as long as is needed to address the underlying cause of the crime unless it is inadequate to protect against the threat of violence to our community.
- **Imprisonment is a last resort,** and it will be utilized if all other interventions and rehabilitative efforts have failed or prove inadequate to protect against the threat of violence to our community.

Collectively, these principles will prioritize the safety of our community and ensure that we center victims, address the root causes of crime, and focus on preventing future violence against our community.

In the coming months, we will continue to reform our criminal justice system so that it meets your aspirations and needs. The change our community has demanded will not happen overnight - but because you continue to make your voice heard, it will happen.

A handwritten signature in black ink, appearing to read 'José Garza', with a stylized, cursive script.

José Garza